

**COURT OF CHANCERY  
OF THE  
STATE OF DELAWARE**

DONALD F. PARSONS, JR.  
VICE CHANCELLOR

New Castle County CourtHouse  
500 N. King Street, Suite 11400  
Wilmington, Delaware 19801-3734

Submitted: May 24, 2006  
Decided: June 14, 2006

Suzanne I. Seubert, P.A.  
1328 King Street  
Wilmington, DE 19801-3234

David J. Ferry, Jr., Esquire  
Ferry, Joseph & Pearce, P.A.  
824 Market Street, Suite 904  
P.O. Box 1351  
Wilmington, DE 19899-1351

Re: *In the Matter of Gilbert Acevedo*,  
Civil Miscellaneous No. 12524

Dear Counsel:

I have reviewed the application for attorney's fees submitted by Ms. Seubert and Mr. Ferry's response. Based on that review, I have decided to require compensation of Ms. Seubert, for the work she performed as attorney ad litem for Mr. Acevedo, in the amount of \$700. A brief explanation for my ruling follows.

Chancellor Chandler, in 2003, entered a standing order providing fees and costs for a court appointed attorney ad litem. Fees and costs, generally, should not exceed \$500 unless the attorney can support an excess fee and the Court finds that it is in the best interest of the allegedly disabled person.

Ms. Seubert has demonstrated a right to receive more than the normal limit of \$500. She clearly acted in good faith and in the best interests of her client. Ms. Seubert also faced time restrictions from the moment she was appointed attorney ad litem for the disabled person. Furthermore, Ms. Seubert reasonably expended extra time on this case because Mr. Acevedo's family indicated that they might move him to Hawaii. There is no dispute that such an indication was made to Ms. Seubert. In fact, in a letter to the Court dated May 17, 2006, Mr. Ferry stated that the Acevedo family had discussed such a possibility. After determining from Mr. Acevedo's doctor that he should not fly to Hawaii unless taken by air ambulance, Ms. Seubert promptly acted to prevent such a move.

Although Ms. Seubert can support a claim for a fee in excess of \$500, her claim for \$1237.50 is excessive. In reaching this conclusion, I relied on the Chancellor's standing order that fees normally should not exceed \$500, the relatively short duration of the assignment and the circumstances of the disabled person. Because Ms. Seubert had time constraints and reasonably spent some extra time representing Mr. Acevedo, I have concluded that she should be paid \$700.

Normally, attorney ad litem fees are paid from the assets of the disabled person because attorney's services are intended to benefit the disabled. Ms. Seubert has not presented any reason to deviate from the norm in this case. Therefore, I am entering the

petitioner's proposed form of order, as attached, providing that the disabled person shall pay Ms. Seubert's fees.

Sincerely,

Donald F. Parsons, Jr.  
Vice Chancellor

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